REMARKS

Claims 1-9 and 11 remain herein.

Claim 9 has been amended simply to remove a reference numeral from the claims.

Applicants thank the Examiner for the indication of allowability of claims 3-8, and acknowledgement of Applicants' claim for priority under 35 U.S.C. § 119.

Claims 1, 2, 9 and 11 were rejected under 35 U.S.C. § 102(e) over Beck et al. ("Beck"). Applicants' claim 1 recites a communications system configured to exchange information using the TCP/IP communications protocol and at least one other non-TCP/IP communications protocol. In contrast, the Beck processor nodes 20 (which the Office Action equates with the smart modules of Applicants' claim 1) communicate using only TCP/IP. And, the Beck processor nodes 20 are not configured to exchange information using a non-TCP/IP protocol as recited in Applicants' claim 1. Thus Beck does not disclose all elements of Applicants' claim 1.

The Office Action alleges that the Beck processor nodes 20 exchange information in a UDP protocol format, a non-TCP/IP communications protocol, citing Beck, column 2, lines 15-24. However, this citation is to the Background section of Beck, which discusses the general background of module computer systems. This background discussion does not discuss or describe the Beck processor nodes 20 or the corresponding communications system, and therefore does not support the contention that the Beck processors nodes 20 communicate using the UDP protocol. To the contrary, there is no teaching anywhere in the Beck patent indicating that the Beck processor nodes 20 communicate using the UDP protocol, or any other non-TCP/IP protocol as recited in Applicants' claim 1.

The Beck disclosure at column 2 similarly fails to suggest any modification of Beck to communicate in a TCP/IP and a non-TCP/IP protocol. The discussion of the background section
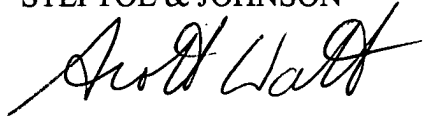
of Beck concludes at column 2, lines 54-58, with the statements that "improvements are needed"

to the prior art. Beck then proceeds allegedly to provide that improvement with an invention that

communicates only in TCP/IP. The fact that Beck expressly noted the presence of the UDP

protocol in the prior art, but later expressly omitted that functionality from his disclosed

embodiments, strongly teach away from the combination of the two.

Accordingly, Applicants' independent claim 1 as well as dependent claims 2, 9 and 11,

are patentably distinct over Beck. Withdrawal of the rejection of all claims 2, 9 and 11 and

allowance of the same are therefore requested.

Accordingly, the application is now in condition for allowance and a notice to that effect

is respectfully requested. The Commissioner is hereby authorized to charge/credit any fee

deficiencies or overpayments to Deposit Account No. 19-4293 (Order No.28954.2006). Should

the Examiner believe that additional changes would place this application in even better

condition for issue, the Examiner is invited to call Applicants' undersigned attorney at the

number listed below.

Respectfully submitted,

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